

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

David Alan Howard,

Case No. 3:21-cv-1762

Plaintiff,

v.

MEMORANDUM OPINION
AND ORDER

Commissioner of Social
Security Administration,

Defendant.

Before me is the Report and Recommendation (“R & R”) of Magistrate Judge Darrell A. Clay filed on August 24, 2022. (Doc. No. 11). Under the relevant statute:

Within [fourteen (14)] days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 F.3d 628, 631-32 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C. § 636(b)(1) (effective Dec. 1, 2009); Fed. R. Civ. P. 72(b)(2). In this case, the fourteen-day window for objections has elapsed, and no objections have been filed.

Following review of Judge Clay’s R & R, I adopt it in its entirety as the Order of the Court. Judge Clay rightly rejected Plaintiff’s constitutional challenge. Regarding the substance of the ALJ’s decision, I agree that any error by the ALJ at Step Two of the sequential evaluation process was harmless and does not require remand. Further, I concur with Judge Clay’s conclusions that the ALJ properly considered the relevant evidence when evaluating Plaintiff’s residual functional capacity

(“RFC”), and that the ALJ’s RFC determination is supported by substantial evidence. Therefore, the Commissioner’s decision is affirmed, and this case is dismissed.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge